

OFFICIAL COPY

Fresno, California

October 8, 2002

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember (Arrived later in the meeting)
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

President Perea advised Councilmember Ronquillo had to attend to an emergency and would arrive as soon as possible.

Reverend Jackson of the Fellowship Missionary Baptist Church gave the invocation, and a Fire Department representative led the Pledge of Allegiance to the Flag.

PROCLAMATION OF FIRE PREVENTION WEEK - PRESIDENT PEREA

PROCLAMATION OF TEHRAN SHRINE DAY - COUNCILMEMBER DUNCAN

PROCLAMATION OF BREAST CANCER AWARENESS MONTH - COUNCILMEMBER QUINTERO

The above proclamations were read and presented.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY PAULA FARRIS, PANAGRAPH, REGARDING THE PUBLIC UTILITIES DEPARTMENT'S PROPOSED CONTRACT WITH PANAGRAPH

Ms. Farris advised she was present to answer any questions should the issue come up and that she was open to meeting with any council member if desired.

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ADOPT CONSENT CALENDAR:

(1-A) APPROVE SUBSTITUTION OF NOLTE SHEET METAL, INC., FOR BRENT WALTON HEATING AND COOLING AS THE HVAC SUBCONTRACTOR ON THE SURFACE WATER TREATMENT FACILITY PROJECT

(1-B) RESOLUTION NO. 2002-319 - INTENT TO ANNEX FINAL TRACT NO. 4983 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 31

(1-C) RESOLUTION NO. 2002-320 - INTENT TO ANNEX FINAL TRACT NO. 5082 TO CITY OF FRESNO COMMUNITIES DISTRICT NO. 2, ANNEXATION NO. 40

(1-D) REMOVED FROM AGENDA

(1-E) AWARD A CONTRACT TO D.H. WILLIAMS CONSTRUCTION IN THE AMOUNT OF \$114,928 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 48

(1-F) REMOVED FROM AGENDA

(1-J) RESOLUTION NO. 2002-321 - APPROVING FINAL MAP OF TRACT NO. 5081, PHASE I OF VESTING TENTATIVE MAP NO. 5007/UGM, AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE WEST SIDE OF N. WILLOW AVENUE NORTH OF E. PERRIN (DISTRICT 6)

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

(1-K) RESOLUTION NO. 2002-322 - TRANSFERRING OF CONTRACT ADMINISTRATION OF SOCIAL SERVICE GRANT AWARDS FROM THE PARKS AND RECREATION DEPARTMENT TO THE FINANCE DEPARTMENT - COUNCILMEMBER CALHOUN

(1-L) APPROVE AMENDMENT NO. 4 TO THE PARKING MANAGEMENT AGREEMENT WITH APCOA/STANDARD PARKING, INC., AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(3-A) APPROVE RESPONSES TO THE 2001-2002 GRAND JURY REPORT

Assistant City Manager Souza gave a brief overview of the issue as contained in the staff report as submitted.

Councilmember Calhoun thanked the Grand Jury for providing oversight of City functions and commended staff for addressing the report; spoke to the issue of Council infrastructure funds stating he strongly supported them as they were legal, above the board, and served Council districts and the entire community well and explained; stated he hoped this was the last time the matter would be brought up as it has been answered and re-answered; and made a motion to approve the responses, which motion was seconded and acted upon after discussion.

Acting President Castillo stated information given to the Grand Jury and to some of his colleagues was inaccurate as it showed he gave money to a non-profit organization when it was given by his predecessor, Ken Steitz; requested the Grand Jury be made aware of that and also requested his colleagues who chose to put that erroneous information on their web sites remove it; and advised he formally invited the Grand Jury by letter to walk his district as, like Councilmember Calhoun, he also felt it was important that the Grand Jury see the benefits of the infrastructures funds that are put into Council districts; and stated to date not one member has responded to his invitation or taken him up on his offer and he wanted the Grand Jury to be made aware of this. Mr. Souza recommended those issues be kept separate because specifics of District 4 were not included in the report and advised he would include an addendum letter to the Grand Jury correcting the information and expressing Acting President Castillo's concerns.

Councilmember Boyajian expressed concern with the Grand Jury's conclusion "C" stating he did not want to acknowledge in any way their conclusion that "the money budgeted and allocated for use by Council Members for Capital Improvement Projects is not the most efficient use of the money". Mr. Souza stated staff could amend the response and add a sentence stating the City disagreed with conclusion "C". Councilmember Calhoun accepted the amendment. Upon question of Acting President Castillo, Mr. Souza stated he would check with the Controller on whether there was any oversight of staffing and capacity at the Elkhorn Corrections facility and respond by tray memo.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the responses to the 2001-2002 Grand Jury Report hereby approved, *as amended*, to state the City disagrees with Conclusion "C" relative to Council infrastructure funds, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(3-B) APPROVE JOINT MEETING WITH THE MADERA COUNTY BOARD OF SUPERVISORS ON JANUARY 14, 2003, AT 9:00 A.M. AT CHILDREN'S HOSPITAL

City Manager Hobbs advised he and Councilmember Calhoun met with Madera County representatives resulting in a recognition to have periodic joint meetings; advised Madera was planning to develop 30,000 homes immediately north of the river over the next 20 to 25 years and he felt discussions should occur on how the two communities can and should be interacting; and stated staff was working on an agenda which would include the three

major topics of water, land use, and transportation.

Councilmember Calhoun stated there was still a desire to discuss fire protection adding he indicated to Madera Fresno was not looking to revisit the prior arrangement but wanted to see a proposal on where Madera was going and how they were going to meet the concerns of fire protection for the Children's Hospital area; advised another intent of the joint meeting was to get acquainted on a personal basis; and made a motion to set a joint meeting on January 14, 2003, **(2 - 0)** which motion was seconded and acted upon after brief discussion. Acting President Castillo suggested air quality and the San Joaquin River also be included on the agenda. Councilmember Calhoun and Mr. Hobbs responded stating those issues came up and were tied in with the three other topics, advised staff would take them under advisement and discuss them with Madera, and spoke to the intent to start with a modest agenda clarifying the purpose was to get a relationship going.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, a joint meeting with the Madera County Board of Supervisors on January 14, 2003, at 9:00 a.m. at Children's Hospital hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(3-C) * RESOLUTION NO. 2002-323 - 22ND AMENDMENT TO AAR 2002-216 TO RE-BUDGET FISCAL YEAR 2002 APPROVED CAPITAL IMPROVEMENT PROJECTS

Renena Smith, Department of Public Utilities, reviewed the issue as contained in the staff report as submitted, and a motion and second was made to approve staff's recommendation.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-323 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(3-D) DIRECTION ON MEETING ON OCTOBER 15, 2002

President Perea noted Council responses to an E-mail were about equal on whether to meet or not, stated staff indicated some full agendas were forthcoming, and requested input or a directional vote. Councilmember Boyajian stated based on the meeting schedule he set a trial that day and would not be present.

By Council consensus, no change in schedule/no meeting on October 15th.

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(3-E) APPROVE THE USE OF HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS FOR A GRANT AND A LOAN, IN AN AMOUNT NOT TO EXCEED \$1,000,000, TO OPPORTUNITY BUILDERS, A NOT-FOR-PROFIT DEVELOPMENT CORPORATION, FOR A 48-UNIT APARTMENT, 9% TAX CREDIT PROJECT LOCATED NEAR THE CORNER OF E. KINGS CANYON ROAD AND S. WILLOW AVENUE (DISTRICT 5)

Councilmember Quintero commended staff for their work with the developer, gave a brief overview of the issue, made a motion to approve staff's recommendation, thanked the developer for bringing the project forward and for the amenities that will be provided for the residents, and spoke in support of the ponding basin maintenance contract between ARC and the Fresno Metropolitan Flood Control District.

HCD Director Hussman and Erick Kjeldgaard, Executive Director, Opportunity Builders, spoke briefly to the proposed project and responded to questions of Councilmembers Boyajian, Quintero and President Perea relative to how the City was assisting the developer, if more of these projects would be forthcoming, liability, specifics of the loan/grant, how this would affect HOME funds, the developer's experience/past performance, if this project would help the City meet state and federal affordable housing mandates, the Madera project, and the Henry Cisneros group's southeast project including status, need to move quickly, and the amount of money committed by the city and others who could construct the project.

City Attorney Montoy clarified the subject contract had not been formulated and the environmental work and due diligence had not been completed; advised if the developer does not get the state tax credit allocations the project may not be able to move forward; and stated action this date would reserve \$1 million for a future contract award subject to the developer's receipt of tax credit allocations, state and local legal requirements, and completion of the HOME Program process and the City's due diligence. Mr. Kjeldgaard and Controller Quinto responded to questions of Acting President Castillo relative to specifics of the Madera project, timeline for this project, probability of receiving the state tax credits, and if Opportunity Builders was a nonprofit company. City Manager Hobbs stated staff was trying hard to get the housing agenda moving and advised at the League of California Cities meeting he and Mayor Autry spoke with Mr. Cisneros on the southeast project happening as well as others down the road.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, **RESOLVED**, funding hereby allocated for the project for a period of no longer than 12 months to allow the Developer sufficient time to participate in and receive a response from the Tax Credit Allocation Committee, and, in the interim, staff to prepare the administrative environmental review and other Department of Housing and Urban Development required documents, along with the formal contractual document for Council approval at a later date, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(5-A) DISCUSSION REGARDING ESTABLISHING AN AD-HOC FORECASTING AND ANALYSIS COUNCIL COMMITTEE TO WORK TOWARDS PROVIDING INDEPENDENT FINANCIAL FORECASTING, ANALYSIS, AND EVALUATION SERVICES TO THE CITY COUNCIL - COUNCILMEMBERS BOYAJIAN AND CALHOUN

Councilmember Calhoun noted this initiative began some time ago that and he has wanted the City to participate in strategic planning for some time; stated a user-friendly, simplified format was needed to better understand past, present and future budgets and to deal with fiscal challenges and along with his assistant, Ann Kloose, explained such a process and how it would work, using charts and graphs to illustrate; clarified the intent of the committee was not to add to staff's burden but to take financial data provided by staff and, if necessary, work independently with an organization to format the information, receive an evaluation, or review complex fiscal issues that would require Council action and elaborated; and stated he looked forward to working with the Mayor and staff to accomplish strategic planning which would include a multi-year budgeting process. Councilmember Boyajian added the Macias report initiation was to assist the City of Fresno -- not compete, adding this was also the vision and intent of this committee, and reiterated this was not about competition but about information and cooperation and explained.

City Manager Hobbs stated staff was supportive of the objectives and explained; noted his concern was staff could accomplish the same thing without spending more money and bringing in a consultant; clarified a jointly hired Controller, the budget office, an internal audit division, and an independent City audit firm was already in place to advise council and was available for special assignments; and suggested, if the committee is established, that the committee meet with staff and the Mayor's Council of Economic Advisor's to see what they are already working on.

Councilmember Duncan spoke in support of the issue, to the past challenge of effective communication, and to how this would benefit city staff by allowing for communication of issues when they arise, and stated he wanted to serve on the committee. Councilmember Calhoun stated this was about exploring the matter and was not anything final; concurred with the lack of effective communication; spoke to the need for the Council committee citing the upcoming budget cycle (**3 - 0**); and made a motion to establish a 3-member Ad-Hoc Committee to meet with staff, the Mayor, and any other appropriate individuals to discuss how the budget process can be improved and report back to Council with recommendations, which motion was seconded and acted upon after lengthy discussion.

City Attorney Montoy responded to questions of President Perea relative to what the role of the committee would be and what authority they would have. President Perea commented on the issue including Council being left without resources on the administrative side with the new form of government, need for discussion on the role of the City Controller, the perception or reality of Council not receiving timely/accurate information and/or receiving filtered information, the Controller position being allowed to be oriented more to one side over the past year, and the need for the Controller to conduct independent analysis and report not to Council, the Mayor or the City Manager but to the people. President Perea stated he would not support the motion as discussion was needed on the role of the Controller, with Mr. Hobbs stating the role was clearly spelled out in the Charter; concurred the Controller was one of the best and expressed his concern with the comment relative to Council receiving filtered information; and spoke to the Fresno Bee article clarifying the financial watchdog was the independent City audit firm hired by Council and who reports to Council, and added if Council was unhappy with their performance they should hire another firm and be clear about why.

Councilmembers Boyajian, Calhoun and Controller Quinto responded to questions of Acting President Castillo and Councilmember Quintero and/or clarified issues relative to whether the committee would be responsible for oversight of their recommendations, need for a commitment on oversight, idea pay and ideas not being implemented, if the committee would be looking into hiring a new company, Councilmember Calhoun clarifying the committee would be discussing a wide range of issues and bring back recommendations to Council, a process already being in place wherein individual Council members can meet with the Controller and after receiving information place an item on the agenda if there are any concerns, Ms. Quinto clarifying issues relative to Councilmember Calhoun's request for information and stating she supported the information being requested, Councilmember Boyajian reiterating this was not personal or about personalities but about having everyone at the table to discuss issues intelligently and obtain information, and confirmation that all recommendations would come back to Council for final action/implementation. Mr. Hobbs suggested a informational workshop be held before establishing a committee due to the heavy investment and explained.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, an Ad-Hoc Forecasting and Analysis Council Committee to work towards providing independent financial forecasting, analysis, and evaluation services to the City Council hereby established, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero
Noes	:	Perea
Absent	:	Ronquillo

*(*Note: Committee members Boyajian, Calhoun and Duncan appointed to the committee after the lunch recess)*

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RECESS - 10:28 A.M. - 10:34 A.M.

(10:30 A.M.) RESOLUTION NO. 2002-324 - AUTHORIZING FREE PARKING ON NOVEMBER 11, 2002, IN THE DOWNTOWN AREA IN HONOR OF THE VETERAN'S DAY PARADE - PRESIDENT PEREA

Acting President Castillo made a motion to approve the resolution.

1. APPEARANCE BY WILLIAM DIETZEL, CHAIRMAN, FRESNO VETERANS DAY PARADE COMMITTEE

Appearance made with Mr. Dietzel speaking in support of the resolution and requesting free parking this Veteran's Day holiday and all future ones.

Transportation Manager Madewell stated the City would lose \$9,000 in revenues and that staff would follow Council's decision. The motion was seconded and acted upon after further discussion.

Speaking in support of the issue were: Gilbert DeLa Pena; Bill Kuebler, 950 Fulton Mall; Sister Cellie, Masten Towers, 1240 Broadway, who also spoke to other parking needs and concerns; and James Watson, FPOA, 994 N. Van Ness.

Mr. Madewell responded to questions and comments of Councilmembers Calhoun and Boyajian relative to the bigger picture and where this matter would lead to citing request just made for free parking on Election Day, intent being to capture parking revenues for major events during “high season”, if staff was enforcing parking during “low season”, if it made sense to change policy to exclude enforcement during low season (fall to spring), free parking on all holidays and loss of revenues, the upcoming Walker Report addressing all these issues, President Perea clarifying the resolution would provide for free parking this year only, support for seeing a policy on holiday parking and the Walker report, and policy changes occurring.

On motion of Acting President Castillo, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2002-324 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(10:45 A.M. #1) DIRECT STAFF TO MEET AND CONFER WITH THE PUBLIC SAFETY BARGAINING UNITS TO DETERMINE IF AND HOW THE TWO-TIERED RETIREMENT SYSTEM CAN BE COMBINED INTO ONE TO INCLUDE A 3% AT 50 COMPONENT - COUNCILMEMBER DUNCAN

(10:45 A.M. #2) DIRECT PREPARATION OF AN ACTUARIAL REPORT REGARDING PUBLIC SAFETY RETIREMENT OPTIONS OF 3% AT 50 - PRESIDENT PEREA

Councilmember Duncan reviewed his item stating the current 2½%/50 policy put the City at an competitive disadvantage in recruitment efforts; noted there was strong interest and he felt the time was right to look into tying the two-tiered system into one (a process he stated would take at least one year) and at the end of that process have staff look into the financial feasibility of including a 3%/50 component; and made a motion to direct staff as outlined.

City Manager Hobbs stated he appreciated the intent but had real reservations with the issue; stated this was a complicated issue and changes would be very expensive; urged, before any meet and confer or any direction occurs, that a cost study be conducted; advised in 1998 a 1/4% change for tier one members cost the retirement system over \$49 million and **(4 - 0)** stated a 3%/50 may cost at least as much at \$50 million depending on actuarial study results; spoke briefly to the current surplus in the retirement system and savings to the general fund; and stated the stakes were long term and if the pension fund were to run out of money the general fund/taxpayers would be on the hook and reiterated his recommendation to see what the costs are before getting too serious.

President Perea stated he felt his trailer item was trying to get to the same place; noted everyone was correct that the financial impact needed to be known and the only way to find that out was with an actuarial study; presented questions relative to when the current public safety contracts expired and if open discussion was being requested on this issue this date (with Mr. Hobbs and Councilmember Duncan responding); and stated the first question that needed to be discussed was the financial piece and questioned if an actuarial report would be included in the motion, with Councilmember Duncan stating it would, whereupon President Perea seconded the motion.

Retirement Administrator McDivitt, City Attorney Montoy and Mr. Hobbs responded to questions of President Perea and Councilmember Boyajian and/or clarified issues relative to how long it would take to engage in an actuarial study, how this direction would affect the meet and confer process, if direction being made was permissible, if 10:45 #1 and #2 were being combined into one motion, Mr. Hobbs clarifying there was a need for data before moving too far ahead and he objected to doing this outside the meet and confer process and explained, continued questioning relative to whether it would be beneficial to take care of the two-tier issue first and then look at 3%/50, Mr. Hobbs clarifying he supported a staff and ad-hoc committee discussion to determine the issues to be studied but he strongly disagreed with negotiating the 3%/50 as a separate issue because he felt it was outside the process, if the retirement boards were looking at the one/two-tiered issue, if determining financial consequences was part of motion, and Mr. Hobbs clarifying he was suggesting this become part of the meet and confer process after the study is completed and after Council discusses the matter in closed session. President Perea clarified he and Councilmember Duncan were making this a more of a formal process so that a beginning date could be established as soon as possible and an answer received on the numbers real quick. Councilmember Boyajian stated he felt the city had a strong police department and recruited well and explained, and Mr. McDivitt noted Councilmember Duncan's report listed the benefit at 2½ % at 50 and clarified it was 2.75% for tier-one .

Speaking in support of the motion and/or to the issues of recruitment/retention, the two-tiered system, and opening up meet and confer were: James Watson, FPOA, 994 N. Van Ness; and David Johnson, 4033 N. Hayes.

Councilmember Calhoun stated he felt the matter should be discussed in closed session as it was a bargainable issue and a benefit to the recipients; stated a pre-study and process would send a message that this was the direction management was heading and that was not appropriate; and stated the world was not going to change over the next few months and recommended the issue be brought up when negotiations commence for the represented units and stated he would not support the motion. Councilmember Ronquillo arrived at 11:27 a.m.

Mr. McDivitt, Retirement Board Member Balekian, Mr. Hobbs and Labor Relations Manager Aguiniga responded to questions and/or comments of Councilmembers Quintero, Boyajian and President Perea relative to how long the benefit percentages have been in place, number of employees, if retirees would be included, importance of recruitment/retention and why the general service employees retirement system could not be included in the study, how long benefits percentages have been in place for the employees retirement system, Mr. Hobbs stating the City was not having a recruitment problem and asked Council not use that as a reason for any direction, and how soon staff would send a letter out extending the offer to negotiate if the motion passes.

Discussion continued. Councilmember Quintero directed staff set the issue of the other bargaining units on the October 29th agenda at a time certain. Councilmember Duncan spoke briefly to the issue of recruitment stating he spoke with some high ranking members of the police and fire departments and the 3%/50 was affecting the City to some degree and would become more of an issue in the future, and clarified his intent with the whole issue was to begin a process of discussing the issue because it needed to be addressed. Councilmember Boyajian stated he was supporting the motion only because of the fact that Council would receive information, and Mr. Aguiniga, President Perea and Mr. Watson responded to questions relative to whether getting information before meet and confer/negotiations would be beneficial to staff, cost for the actuarial study and who would pay, if FPOA would be looking at the financial ramifications, if the cost for the study would be shared, if the program would be easy to implement, and if the study would include surpluses and how much employee contributions would be. Ms. Montoy clarified the meet and confer process would be initiated for two issues: the merger of the two-tiered system and the 3%/50.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, staff directed to (1) meet and confer with the public safety bargaining units to determine if and how the two-tiered retirement system can be combined into one to include a 3% at 50 component, and (2) prepare an actuarial report regarding public safety retirement option of 3% at 50, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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(5-B) DISCUSSION ON PROPOSED AMENDMENT TO COUNCIL RESOLUTION ON RULES OF PROTOCOL (TO REQUIRE WRITTEN INFORMATION ON CITY COUNCIL ITEMS) - COUNCILMEMBER CALHOUN

Citing the number of items placed on the agenda by Council, Councilmember Calhoun stated it was appropriate to have something in writing to explain the item adding it was expected of staff and Council should do the same, and made a motion to direct the City Attorney to add a rule to Council Rules and Protocol requiring Council members to include written material on their items, which motion was seconded by Councilmember Duncan.

(5 - 0) Gloria Torrez spoke in support of the issue and to her previous requests for written information on Park and Ride (Ronquillo) and roll over money form each department (Perea)..

City Attorney Montoy responded to questions of Councilmember Duncan relative to whether placing an item on the agenda could be denied if a Council member chooses not to include written material, with Councilmember Duncan stating Council should at least submit in writing a couple of paragraphs explaining the issue and why it was being presented. Councilmember Ronquillo spoke in opposition to the motion stating he felt written material was not necessary for initiation of an item, noted sometimes Council may not have information when introducing an item or was depending on staff, but clarified he did feel written material was necessary for items requiring Council action.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to direct the City Attorney to add a rule requiring Council members to include written material on their items failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Castillo, Quintero, Ronquillo, Perea
Absent	:	None

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(5-C) EXTEND DEADLINE FOR STAFF TO ISSUE THE REQUEST FOR PROPOSALS (RFP) FOR A SOLID WASTE TRANSFER STATION BY 90 DAYS TO FEBRUARY 5, 2003 - COUNCILMEMBER DUNCAN

Reviewed by Councilmember Duncan who stated this was a simple request; noted his report as submitted explained why he felt the extension made good business sense for the City and spoke in support of it citing the enormous amount of projects/issues staff was working on; stated the issue was being rushed a little and he felt an extension would provide for more vendors with more options resulting in a better chance for the project to be done properly, and made a motion to extend the deadline, which motion was seconded and later acted upon.

Lengthy discussion ensued with Assistant Public Utilities Director Weimiller, Councilmember Duncan, Public Utilities Director McIntyre, City Manager Hobbs and Assistant City Manager Souza responding to comments, questions and/or concerns of Councilmembers Ronquillo, Boyajian and Acting President Castillo relative to the process being relatively simple since the City had a prior history of trying to move forward with a transfer station, if staff needed more time, if staff had reviewed the best transfer station so as not to reinvent the wheel, state mandate, private haulers, the upcoming budget and need to get this project on line as soon as possible to realize cost savings, concern with the extension delaying the issue beyond the terms of three Council members, the issues having being debated before, if site location could begin, need to see specifics on what staff has done, if the timeframe could be tightened up, competition and if staff had received additional inquiries, why there was a need to deal with all the bureaucracy, timelines, etc., since the City has dealt with this issue before and what the “hang-up” was, what Council’s last direction to staff was, if staff was saying they wanted more time, meaning of front-loading, if the extension would allow the City to get better criteria, a better understanding of what is needed, and a more innovative vendor, if staff worked on other projects/issues, staff knowing the importance of the timeline and concern with time and resources being used up for other purposes, if the November 5th date was still doable, the RFP and what needed to be included since this was nothing new, what other issues necessitated a delay and request for staff to submit those issues in memo form to Council, and concern with staff coming forth with concerns and issues at the 11th hour. Councilmember Calhoun stated the City should never rush to judgment and this request was a no brainer emphasizing staff was stating they want time to do the project right and allow as many vendors as possible to bid. President Perea commented on the issue questioning why staff was presenting concerns since this was not a staff initiative, pointed out the urgency of the issue was sensed during the budget process and it was staff who requested the November 5th timeline, stated there was a need to wonder why there was no staff recommendation and what the motive was behind this request, spoke to having one of the best experts on transfer stations and wheels were not being re-invented, and expressed concern with the an 8 month delay and loss of savings.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the deadline for staff to issue the Request for Proposals (RFP) for a solid waste transfer station extended by 90 days to February 5, 2003, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero
Noes	:	Castillo, Ronquillo, Perea
Absent	:	None

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LUNCH RECESS - 12:30 P.M. - 2:04 P.M. Councilmembers Castillo and Quintero arrived later.

(5-A) REQUEST FOR RECONSIDERATION - DISCUSSION REGARDING ESTABLISHING AN AD-HOC FORECASTING AND ANALYSIS COUNCIL COMMITTEE TO WORK TOWARDS PROVIDING INDEPENDENT FINANCIAL FORECASTING, ANALYSIS, AND EVALUATION SERVICES TO THE CITY COUNCIL - COUNCILMEMBERS BOYAJIAN AND CALHOUN (CONTINUED FROM EARLIER)

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, Item 5-A approved for reconsideration, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Castillo, Quintero

Councilmembers Boyajian, Calhoun and Duncan appointed to the Ad-Hoc Forecasting and Analysis Council Committee, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Castillo, Quintero

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(2:00 P.M. #1) CONSIDER CONTESTED CONSENT CALENDAR ITEMS:

(1-H) * RESOLUTION NO. 2002-325 - 17TH AMENDMENT TO AAR 02-216 APPROPRIATING \$70,400 FOR THE STATE GRANT FUND

Police Grant Manager Garcia responded to questions of Councilmember Calhoun relative to how the projection was \$70,400 less than the actual amount carried over. Acting President Castillo arrived at 2:07 p.m. Questioning continued relative to whether this was routine, if it would negatively impact the department's budget, why the item was presented in October and not during budget season, if this was a new procedure, and if action was necessary for better accounting purposes.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-325 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

(1-I) RESOLUTION NO. 2002-326 - AUTHORIZING ENFORCEMENT OF THE VEHICLE CODE ON EL PASO STREET BETWEEN BLACKSTONE AVENUE AND FRESNO STREET, A PRIVATE ROAD, PURSUANT TO VEHICLE CODE SECTION 21107.6

An unidentified Police Officer responded to questions of Councilmember Boyajian relative to why this has not been done before at other shopping centers, if this would burden the area's policing efforts **(6 - 0)**, if the City would be paid additionally or if this would be part of officers' normal duties, if this would burden policing of other northeast areas or take officers away, and why Riverpark security could not enforce. A motion and second to approve staff's recommendation was made and acted upon after brief discussion/clarification on moving violations be at issue here, hope that this will be done for other areas, if there was another city street similar to this one, exact location of the subject street and if it was a public street, what types of problems/violations are caused by cruisers, who normally calls in complaints, number of officers anticipated to be used, if there were any pro-active plans/discussions with the property owners on the issue, and if the curfew ordinance would come into play, with the Officer and City Attorney Montoy responding.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-326 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes : None
Absent : Quintero

(1-G) ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF TRANSPORTATION THROUGH THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES), LOCAL EMERGENCY PLANNING COMMITTEE, TO REIMBURSE THE FIRE DEPARTMENT FOR PRODUCING A PUBLIC EDUCATION PROGRAM INCLUDING A CHEMICAL EMERGENCIES SHELTER-IN-PLACE ELEMENT

1. RESOLUTION NO. 2002-327 - APPROVING APPLICATION FOR AND ACCEPTANCE OF A HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT OF \$3,000 FROM THE U.S. DEPARTMENT OF TRANSPORTATION THROUGH THE OES, AND AUTHORIZING EXECUTION OF DOCUMENTS

2. * RESOLUTION NO. 2002-328 - 26TH AMENDMENT TO AAR 02-216 APPROPRIATING \$3,800 TO REIMBURSE THE FIRE DEPARTMENT FOR PRODUCING THE PUBLIC EDUCATION PROGRAM

Fire Marshall Aranaz responded to questions of Acting President Castillo relative to why a change in the department's budget was being requested if this was a reimbursement and if the money was allocated from a previous year's budget.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-327 and 2002-328 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes : None
Absent : Quintero

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Councilmember Quintero arrived at 2:22 p.m.

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. LUIS GUAJARDO V. COF, ET AL.
2. CHRIS MATHYS V. COF
3. COF V. COUNTY OF FRESNO, LAFCO, AND CITY OF CLOVIS

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF MARIO VICKS

The city Council met in closed session in Room 2125 at the hour of 2:23 p.m. to consider the above matters and reconvened in regular open session at 3:45 p.m.

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(2:15 P.M.) APPROVE DEDICATION PLAQUE FOR THE NEW FRESNO YOSEMITE INTERNATIONAL AIRPORT CONCOURSE/TERMINAL

Interim Transportation Director Esquivel gave a brief overview of the issue and plaque design as contained in the staff report as submitted, and responded to questions, comments and concerns of Councilmember Calhoun relative to whether staff was in a rush to order the plaque, desire to have a Council sub-committee meet and further review the issue, if delaying action to October 29th was too tight a timeframe, and opposition to listing the former administration on the plaque. President Perea stated his support for a committee review and for bringing the matter back on October 29th. Councilmember Calhoun made a motion to empower a Council sub-committee to work with Mr. Esquivel and return on October 29th for action, which motion was seconded by President Perea. Mr. Esquivel expressed concern with the October 29th timeline stating staff was targeting a November 7th dedication, with President Perea stating Council would just empower the committee to make the decisions and get it done. Councilmember Ronquillo questioned if the committee could also consider a dedication plaque for the Jensen/West park whereupon it was determined to deal with that issue separately. President Perea noted Councilmembers Calhoun and Castillo would be on the committee.

Councilmember Boyajian expressed his strong concern with deleting the former administration stating it was changing history, stressed the project was the former administration's planning and vision, and stated honoring only those who completed the project did not make sense. Councilmember Ronquillo stated this project was different from the stadium due to the contentiousness of it and the intentional attempt by the last administration to knock the project off track numerous times for a lot of political reasons. Upon question of Councilmember Duncan, President Perea clarified the motion on the floor was to form an empowered Council committee to work with Mr. Esquivel and make decisions to finalize the plaque and have it ready by November 7th.

City Attorney Montoy recommended Council make a decision this date on the plaque wording and return for action on October 22nd for open discussion on final action unless Council empowers the sub-committee to not talk with the other Councilmembers. City Manager Hobbs spoke briefly to the history of the project and stated although it felt, and in reality there was, a lot of heavy lifting by this administration there was also a lot of heavy lifting done to get the project off the ground and explained, and stated staff was trying to recognize all those efforts. Councilmember Boyajian commented additionally stating names should not be deleted just because someone does not support something and elaborated, and reiterated this was about history.

Councilmember Calhoun stated the city attorney made a legitimate point and noted although he was in support of a sub-committee he would reluctantly withdraw his motion as the committee would be able to make decisions in a non-public forum and without input from all Council members. A motion and second was then made to approve staff's recommendation.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the location, wording and conceptual design for the Concourse/Terminal commemorative plaque as recommended by staff hereby approved, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council met in joint session with the Redevelopment Agency at the hour of 4:03 p.m.

APPROVE AGENCY MINUTES OF SEPTEMBER 24, 2002

On motion of Councilmember Ronquillo, seconded by President Perea, duly carried, RESOLVED, the Agency minutes of September 24, 2002, approved as submitted.

(“A”) CONSIDER EXTENDING THE STANDSTILL AGREEMENT WITH ALGEN HOTEL DEVELOPMENT, LLC, FOR A 400-ROOM WYNDHAM HOTEL ADJACENT TO THE NEW EXHIBIT HALL - PRESIDENT PEREA (COUNCIL AND AGENCY ACTION)

1. AUTHORIZE AND DIRECT THE AGENCY DIRECTOR AND CITY MANAGER TO EXECUTE A TERMINATED STANDSTILL AGREEMENT AND PREPARE AND ENTER INTO AN AMENDMENT REVIVING THE STANDSTILL AGREEMENT AND EXTENDING THE STANDSTILL PERIOD

-OR-

2. APPROVE A NEW STANDSTILL AGREEMENT, SUBSTANTIALLY IN THE FORM OF THE TERMINATED STANDSTILL AGREEMENT, WITH AN EXTENDED STANDSTILL PERIOD

A motion and second was made to extend the agreement 60 days instead of 30, which motion was seconded and acted upon after brief discussion. Councilmember Ronquillo spoke in support stating Algen should be given every opportunity to move forward and added it would tell the lending institutions the City of Fresno was in support of the Wyndham Hotel coming downtown and was doing all it could to accommodate that process.

Thomas A. DiLuglio, Managing Member, Algen Hotel Development, LLC, and Director of Administration for the Algen Companies, responded to questions of Councilmember Calhoun relative to the Fresno Bee’s article on the lack of activity on a number of Algen’s other properties and what Algen’s response was to disparagingly made comments by the Mayor of Providence.

Discussion ensued with Councilmember Ronquillo commenting on the economic environment and the need to give Algen time to secure financing; President Perea clarifying the agreement with Algen had expired and he was moving Option 1 with a 60 day extension; and Mr. DiLuglio responding to questions of Councilmember Boyajian relative to why Fresno was unique when San Francisco was having a hard time with the hospitality industry and building hotels and if the extra time was needed to deal with the bureaucracy of the lending institutions. Chair Duncan thanked Algen for their investment, stated this had been a real chore in light of the historical situation in the hospitality industry, and stated the City was still excited about the project and its patience would be rewarded.

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Agency Director and City Manager authorized and directed to execute a terminated standstill agreement and prepare and enter into an amendment reviving the standstill agreement and extending the standstill period 60 days, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 4:17 p.m. and the City Council reconvened in regular session.

CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of the \$1 million Claim of Mario Vicks (Item “B”) for alleged wrongful death, Council voted 6-1, with Councilmember Ronquillo, absent to reject the claim.

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(2:45 P.M.) APPROVE THE ESTABLISHMENT OF A CITY OF FRESNO BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE - COUNCILMEMBER DUNCAN

Councilmember Duncan briefly reviewed the issue as contained in his report submitted to Council and made a motion to approve the establishment of the committee, which motion was seconded and acted upon after lengthy discussion.

Councilmember Duncan, City Manager Hobbs, Assistant City Manager Souza and Nick Paladino clarified issues and/or responded to questions, comments and/or concerns of Councilmembers Calhoun and Boyajian relative to whether the committee needed to report to Council semi-annually, if any other City committee reported to Council twice a year, committee composition and why the “committee itself” would approve its voting members **(7 - 0)**, Councilmember Duncan clarifying the Charter had not changed from when it was first presented to Council and his only request was to include runners/joggers, if the city manager was comfortable with city staffing, Councilmember Calhoun reiterating his concern with the committee itself approving the voting members and Councilmember Duncan stating that wording in #7, Advisory Committee Composition, would be deleted, support for bike riding but concern with the responsibilities that will fall to the city manager, public works and development staff, perception that this committee is similar to the ADA Advisory Committee, if a grant writer would be included to apply for grants, if the committee would utilize city facilities, assist in obtaining grants, and if their work would mitigate city staff’s time and work, and if committee meetings would be held at city hall.

Speaking to the issue were: Gloria Torrez, who expressed concern with Council having their own agenda “pushed through” by city staffing; stated all meetings should be open to the public; and spoke to the need for affordable transportation, lift/remove the fare increase, clean air diesel buses, reinstate frequencies on line 38, increase frequencies on key lines, and all FAX monies staying with FAX; and Bruce Morris, 2257 E. Fremont, who spoke in support of the issue.

Councilmember Ronquillo spoke in support of moving forward due to the need to come up with alternative transportation and stated the fine points of the Charter would be worked out and reviewed by staff. Acting President Castillo left the meeting at 4:40 p.m. Councilmember Calhoun expressed his concerns relative to staffing and the document adopting policy and explained, and recommended the city manager review the issue again in a broader context and due to other committees who deal with transportation issues. Mr. Hobbs stated Councilmember Calhoun’s concerns were valid and advised he would report back during budget time on how staffing and other issues were working out.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, a City of Fresno Bicycle and Pedestrian Advisory Committee hereby established, by the following vote:

Ayes : Boyajian, Duncan, Quintero, Ronquillo, Perea
Noes : Calhoun
Absent : Castillo

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(3:00 P.M.) ACTION AND DIRECTION REGARDING THE FRESNO-CLOVIS SEWERAGE SYSTEM JOINT POWERS AGREEMENT (JPA)

- 1. RESCIND MAY 14, 2002, ACTION APPROVING DEAL POINTS TO AMEND THE FRESNO-CLOVIS SEWERAGE SYSTEM JPA TO PROVIDE FOR THE MUTUAL EXCHANGE OF SEWER CAPACITY BETWEEN FRESNO AND CLOVIS**
- 2. APPROVE AMENDMENT OF THE FRESNO-CLOVIS SEWERAGE SYSTEM JPA TO PROVIDE FOR MUTUAL EXCHANGE OF SEWER CAPACITY, CONSISTENT WITH SPECIFIED DEAL POINTS, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE AMENDMENT, SUBJECT TO CITY ATTORNEY REVIEW**
- 3. DIRECT STAFF TO COOPERATIVELY AND EXPEDITIOUSLY EXPLORE MODIFYING THE REGIONAL WASTEWATER TREATMENT SYSTEM AND JPA TO ACCOMMODATE A JOINT FRESNO-CLOVIS SATELLITE WASTEWATER TREATMENT AND RECYCLING FACILITY IN THE VICINITY OF THE SOUTHERNMOST SPHERE OF INFLUENCE EXPANSION PROPOSED IN THE CITY OF FRESNO 2025 GENERAL PLAN**

Acting President Castillo returned to the meeting at 4:44 p.m. Public Utilities Director McIntyre reviewed at length the issue as contained in the staff report as submitted, using a map to illustrate, including collection system capacity, exchange deal points, and treatment system deal points.

Speaking to the issue were: Attorney Jim McKelvey, 1690 W. Shaw, representing three property owners in the area south of Ashlan and east of Clovis Avenue, support for 1 and 2; Jerry Cook, representing Families Protecting Neighborhoods, support for #3; Dirk Poeschel, 2310 Tulare Street, on behalf of Quail Lakes, support for 1, 2 and 3; and Deborah Suffel, county resident, support for #3.

Mr. McIntyre responded to questions of Councilmember Duncan relative to whether enough capacity was currently available to accommodate southeast growth, what the impact would be on southeast growth plans if the capacity cannot be expanded, if a northeast Clovis or southeast location would satisfy the need for additional capacity, impact on proposed southeast development projects without the additional capacity, **(8 - 0)** need to deal with the needed capacity or general plan growth to the southeast and the proposed projects will not happen, item #3 being a concept at this point and if staff was looking to work out details with Clovis, and if Clovis was open to discussions. Councilmember Duncan stated he was impressed with the idea of a joint satellite facility, stressed without capacity southeast growth would be hindered, and made two motions to (1) approve Nos. 1 and 2 as outlined above, and (2) to approve #3 as outlined above, which motions were seconded by Councilmember Calhoun.

Extensive discussion ensued with Mr. McIntyre, Mr. Cook, Sunnyside Property Owners representative Ms. Williams, City Attorney Montoy, Planning & Development Director Yovino and City Manager Hobbs clarifying issues and/or responding to questions and/or comments of Councilmembers Ronquillo, Castillo, Duncan, Quintero and President Perea relative to whether Fresno has dealt with regional attempts before, federal legislation relative to linking

into Fresno's treatment plant and why that foundation was established, demands on the system/high capacity, need for a regional system and best location, amount (pro-rata share) Clovis paid on the last expansion, if there was potential for a southeast facility, if staff and Mr. Cook supported/wanted all three recommendations approved, why joint ownership/tenants in common was not being recommended, if the deal points could be modified, the joint deal points and why Clovis could not "assist in timely actions sensitive to and consistent with Fresno's General Plan", concern with Fresno being the "big guy" and giving a lot away, need for a partnership with reciprocity instead of Fresno always carrying the load and subsidizing, if staff talked with Clovis, Acting President Castillo expressing concern that (1) an area was determined for a facility without input from Council or the Council sub-committee that was formed to look for potential sites, and (2) people in the community having information before Council and need for Council to be privy to information before the members of the community, what the significant financial advantages would be of a joint facility, Councilmember Duncan and Mr. McIntyre clarifying issues relative to the Council sub-committee that was formed to look at sites with Mr. McIntyre emphasizing nothing in the proposal usurps the authority or participation of Council or the sub-committee in the negotiation of the JPA amendments, Councilmember Duncan stating with approval this date the committee could now get active and participate and requested Councilmember Quintero and Councilmember-elect Dages be involved, if the existing plant was constructed in the county and then annexed and if that was an option, need for more specifics on potential sites, need to keep the southeast neighborhood committees and home owner's associations in the loop as the process moves forward, what the position was of the Sunnyside Homeowners Association, if action on Item #3 could be held off for more specifics on the site, clarification that there will be a full and exhaustive public engagement on #3, staff concern that without approval of #3 staff cannot execute the amendment in #2, need for approval to get the process moving forward, Councilmember Ronquillo stating a southeastern most site would defeat the purpose and sites north of Ashlan would be more appropriate, President Perea expressing concern with the timing of the issue/lack of public discussions, staff moving too quickly on the deal points, and the major shift on the joint satellite deal points, if action was required on #3 to approve #1 and 2, need for Council to convey their concerns/issues/recommendations to staff so the process can move forward, the deal points and the options of Clovis ownership, continued Fresno ownership under the current JPA, and joint ownership not being on the table, **(9 - 0)** importance of wastewater management, need for discussions with Clovis on all options, Councilmember Quintero suggesting action on #3 be delayed to October 29th so he can meet with the southeast community, Mr. McIntyre clarifying he thought staff was pursuing Council's intent for a more regional solution, and the need for the southeast residents to have a better comfort level on #3 and get more answers than questions.

Councilmember Calhoun commended staff on the proposal stating they have been "right on" in providing options and leadership, stated was an excellent alternative in light of other things that existed out there, and stated he saw no reason to delay action and added and this was the type of thing Council was elected to make decisions on. Brief discussion ensued with Councilmember Boyajian questioning if Councilmember Quintero would still have the ability to meet with his district if staff's recommendations were approved, what exactly the concerns/problems were, if staff was only looking for direction and if implementation would occur at a later time, and upon further questioning Mr. McIntyre clarifying (1) approval this date would not advance any contract or site, (2) the issue would be back before Council at least three times for Council's input, (3) particulars were not known at this time and this was just a concept, and (4) relative to urgency there were millions of dollars in investment consistent with infill and development in the southeast ready to be lost if the collection system exchange could not be executed on both sides of the boundary, and added the City needed to give Clovis some sense of comfort on moving forward with a satellite plant or he did not feel Fresno could get the collection system exchange.

Councilmember Ronquillo expressed concern with #3's wording "*in the vicinity of the southernmost Sphere of Influence expansion proposed...*", and stated a lot more input/discussion was needed on what that meant and on the exact location stating unless that wording was removed he could not support it.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, (1) Council's May 14, 2002, action approving deal points to amend the Fresno-Clovis Sewerage System JPA to provide for the mutual exchange of sewer capacity between Fresno and Clovis hereby rescinded, and (2) the amendment of the Fresno-Clovis Sewerage System JPA to provide for mutual exchange of sewer capacity, consistent with specified deal points, hereby approved, and the Public Utilities Director authorized to execute the amendment, subject to City Attorney review, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

3. DIRECT STAFF TO COOPERATIVELY AND EXPEDITIOUSLY EXPLORE MODIFYING THE REGIONAL WASTEWATER TREATMENT SYSTEM AND JPA TO ACCOMMODATE A JOINT FRESNO-CLOVIS SATELLITE WASTEWATER TREATMENT AND RECYCLING FACILITY IN THE VICINITY OF THE SOUTHERNMOST SPHERE OF INFLUENCE EXPANSION PROPOSED IN THE CITY OF FRESNO 2025 GENERAL PLAN

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to direct staff to cooperatively and expeditiously explore modifying the Regional Wastewater Treatment System and JPA to accommodate a joint Fresno-Clovis Satellite Wastewater Treatment and Recycling Facility in the vicinity of the southernmost Sphere of Influence expansion proposed in the City of Fresno 2025 General Plan failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Castillo, Quintero, Ronquillo, Perea
Absent	:	None

Councilmember Ronquillo made a motion to modify #3 by removing the words "*...in the vicinity of the southernmost Sphere of Influence expansion proposed in the City of Fresno 2025 General Plan.*", and placing a period after the word "Facility"(.). The motion was seconded and acted upon after brief discussion on how this would affect the deal points, with Councilmember Ronquillo and Ms. Montoy responding. Mr. McIntyre stated Joint Deal Point #2 that suggests who would own it and where it would be located would be deleted and clarified it would be a joint facility at a location to be determined by the sub-committees and staff of the respective areas.

On motion of Councilmember Ronquillo, seconded by President Perea, duly carried, RESOLVED, staff directed to cooperatively and expeditiously explore modifying the Regional Wastewater Treatment System and JPA to accommodate a joint Fresno-Clovis Satellite Wastewater Treatment and Recycling Facility, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Duncan, Perea
Noes	:	Calhoun
Absent	:	None

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(4:00 P.M.) ESTABLISH A COUNCIL COMMITTEE TO WORK WITH STAFF AND PRIVATE CONSTRUCTION CONTRACTORS FOR THE PURPOSE OF CONDUCTING A COMPREHENSIVE STUDY REGARDING ACTUAL COSTS EXPENDED BY THE CITY (INCLUDING OVERHEAD, LABOR, MATERIALS, EQUIPMENT, INSURANCE, PERMIT FEES, INSPECTION FEES, AND OTHER RELATED COSTS) IN PUBLIC WORKS PROJECTS WHEREIN THE CITY PERFORMS THE WORK ITSELF. COMMITTEE TO SUBMIT A REPORT AND RECOMMENDATIONS INCLUDING A POSSIBLE POLICY, RESOLUTION, ORDINANCE, WITHIN 60 DAYS - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo spoke in support of the issue stating mistakes can occur and there was a need to have an on-going system to monitor how effective the City was and whether the City was on target on price; stated at some point in the future he would like to see inner-city neighborhood projects that have been real positive for city be excluded unless contracting out is found to be needed; and spoke briefly to the \$150 million in projects that are currently on the table.

Councilmember Calhoun stated 60 days was too short, there was no reason to rush, and he felt 90 days was needed to do an adequate job, and recommended the following two amendments: 90 days for a report back and an independent individual be brought in for a final recommendation. Councilmember Boyajian stated neighborhood projects needed to be excluded and there should be some type of criteria on the projects that would be affected. Relative to the recommendation for an independent analysis City Manager Hobbs recommended the data be turned over the Mayor's Council of Economic Advisors stating they were looking at all of these issues, were independent thinkers, and were free.

Brief discussion ensued on what the unions were asking for and if the committee would explore which project would be included or excluded, with an unidentified union representative and Councilmember Ronquillo responding.

A motion and second was made to establish the committee as outlined above.

Speaking in support of the issue/motion were: Bob (last name unintelligible), CIFAC (Construction Industry Force Account Council); Bruno Dietl, Vice President, Valley Engineers; John Sloan, American Paving Co.; Rick Jamison, 8416 N. First; Chris Hickey, Agee Construction; and Chris Dedsco, 6083 N. Figarden, Executive Director of the Committee for Fair Employment in the Central Valley.

Councilmember Duncan spoke in support at length stating accountability was at issue, an apples-to-apples comparison was needed to see what it would cost the City and an outside contractor to do something, he did not feel any project should be excluded, **(10 - 0)** and he felt 60 days was an adequate timeline. Councilmember Calhoun stated he was concerned with the process and the tight deadline and stated the issue had not been thought through and should be postponed and explained, and added he could not support the matter the way it was. Councilmember Boyajian stated he supported the concept and concurred 60 days was too soon, questioned what the rush was, and reiterated he did not want neighborhood projects included. Councilmember Ronquillo commented additionally in support, on the need to move forward, to exclude neighborhood projects in the future if it is determined staff is doing the work the most efficiently, and stated all issues could be discussed, he was not afraid of information, and clarified not all issues would be resolved in 60 days.

a report on what the issues are and what will be needed to get the job done adding approval this date would start the process. President Perea stated that was not the motion and clarified the motion was for the committee, staff and contractors to get down, do the work/conduct the study/determine actual costs, and report back in 60 days. Upon request for clarification, and with Councilmember Ronquillo confirming it was the intent of the committee to get to a solution to the whole issue, Councilmember Duncan agreed 60 days was not enough time to do a good job citing the upcoming general plan issue.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, a Council Committee hereby established to work with staff and private construction contractors for the purpose of conducting a comprehensive study regarding actual costs expended by the City (including overhead, labor, materials, equipment, insurance, permit fees, inspection fees, and other related costs) in public works projects wherein the City performs the work itself, and the Committee to submit a report and recommendations including a possible policy, resolution, ordinance, within 60 days, by the following vote:

Ayes	:	Castillo, Quintero, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Duncan
Absent	:	None

By Council consensus, Councilmembers Duncan, Quintero and Ronquillo appointed to the committee.

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(5-D) RESOLUTION NO. 2002-329 - ENDORSING PROPOSITION 46 ON THE NOVEMBER BALLOT FOR THE GENERAL ELECTION RELATING TO THE HOUSING AND EMERGENCY SHELTER TRUST FUND ACT OF 2002 - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian spoke to the need for affordable housing in Fresno county and how passage of Proposition 46 would help to address that need, gave an overview of the proposition, and made a motion to adopt the resolution, which motion was seconded and acted upon brief discussion. Councilmember Duncan spoke in opposition to the proposition due to the current financial condition of the state and how this would add more bond debt for things he felt would be better handled out of the general fund. Councilmember Calhoun stated his review of the issue showed the League of California Cities strongly supported the proposition and the State's bond debt was relatively low, noted the League was requesting elected official support the proposition, and advised the average home price in California was \$321,000 and he was very supportive of the issue.

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-329 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

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AGREEMENT FOR PARKING IN THE STADIUM AND BOXCAR PARKING LOTS AND INITIATION OF SHUTTLE SERVICE - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo and Transportation Manager Madewell reviewed the issue and opportunity to provide parking for State and County employees and jurors along with shuttle service at the two lots, and advised final approval would occur on October 29th. A motion and second was made to conceptually approve the agreement.

Gloria Torrez questioned the funding source and expressed concern with basic bus service taken away from citizens in need.

Upon request of City Manager Hobbs for clarification, Mr. Madewell stated the cost for the shuttle service would pay for itself when the two lots reach the desired 70% capacity, and responded to questions of Councilmember Duncan on the desired capacity, current number of spaces filled, and what the plan was to fill 800 spaces. Councilmember Calhoun stated he would not support the matter as no written material had been provided, with Councilmember Ronquillo stating a tray memo was provided last Friday and final action would occur October 29th.

On motion of Councilmember Ronquillo, seconded by President Perea, duly carried, **RESOLVED**, the Fresno County Parking Agreement for parking in the stadium and boxcar parking lots and initiation of shuttle service conceptually approved, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

*Note - Final action on the agreement set for October 29th in conjunction with the Walker Parking Study Report at 2:45 p.m.)

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:08 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

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APPROVED on the 22nd day of October, 2002.

_____ Henry Perea, Council President		_____ ATTEST: Yolanda Salazar, Assistant City Clerk
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